

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

**JOHN A. HAWN, BRYAN LINDSEY,
HEATHER SEAWRIGHT, RONNIE HORTON
and MATILDA MOORE**

PLAINTIFFS

V.

CIVIL ACTION NO. 1:13-cv-36-GHD-DAS

**CHRISTOPHER (C.G.) HUGHES, and
MICHAEL BERTHAY, in their individual capacities,
and the COMMISSIONER OF PUBLIC SAFETY
FOR THE STATE OF MISSISSIPPI, for declaratory
relief**

DEFENDANTS

**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY
JUDGMENT AS TO DEFENDANT CHRISTOPHER HUGHES**

COMES NOW, Plaintiffs John A. Hawn, Bryan Lindsey, Heather Seawright, Ronnie Horton, and Matilda Moore and files their Motion for Partial Summary Judgment and would show as follows:

1. There is no genuine issue of material fact as to Defendant Christopher Hughes' liability to Plaintiffs in this case. Hughes is liable as a matter of law to all Plaintiffs for excessive force and to Plaintiffs Ronnie Horton and Matilda Moore for arrest without probable cause.
2. As explained fully in Plaintiffs' accompanying Memorandum Brief, because of Plaintiffs' indisputable evidence regarding Hughes' liability, and the adverse inference which arises from Hughes' invoking his privilege against self-incrimination, Hughes is liable to each Plaintiff as a matter of law. The Court should grant summary judgment in Plaintiffs' favor as to Hughes' liability and the issue of damages should proceed to a jury trial.
3. Contemporaneously with this Motion, Plaintiffs submit their Memorandum Brief and the following exhibits and incorporates the Brief and exhibits as if fully reproduced herein:

- a. Deposition Excerpts of Christopher Hughes – attached as Exhibit “A”;
 - b. Deposition Excerpts of Jeff McNeece – attached hereto as Exhibit “B”;
 - c. Use of Force Report – attached hereto as Exhibit “C”;
 - d. *Brann v. Hughes, et al*, Complaint – attached hereto as Exhibit “D”;
 - e. *Brann v. Hughes*, Order Dismissing Action By Reason of Settlement – attached hereto as Exhibit “E”;
 - f. *U.S. v. Hughes*, Plea Agreement – attached hereto as Exhibit “F”;
 - g. *U.S. v. Hughes*, Sentencing Order – attached hereto as Exhibit “G”;
 - h. Declaration of Brian Lindsey – attached hereto as Exhibit “H”;
 - i. Lindsey Photo 1 – attached hereto as Exhibit “I”;
 - j. Lindsey Photo 2 – attached hereto as Exhibit “J”;
 - k. Memorandum dated October 26, 2010 – attached hereto as Exhibit “K”;
 - l. Declaration of Ronnie Horton – attached hereto as Exhibit “L”;
 - m. Declaration of Heather Seawright – attached hereto as Exhibit “M”;
 - n. Seawright Photo – attached hereto as Exhibit “N”;
 - o. Declaration of Matilda Moore – attached hereto as Exhibit “O”;
 - p. Moore Photo – attached hereto as Exhibit “P”; and
 - q. Declaration of John Hawn – attached hereto as Exhibit “Q”.
4. For all the reasons set forth herein and in Plaintiffs’ Memorandum Brief in Support of their Motion for Partial Summary Judgment, Plaintiffs respectfully request the Court to grant partial summary judgment in their favor.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request the Court should grant partial summary judgment as to Defendant Christopher Hughes' liability. Plaintiffs further request such other and more general relief to which they are entitled.

RESPECTFULLY SUBMITTED, this the 31st day of March, 2015.

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CERTIFICATE OF SERVICE

I certify that I have this day electronically filed the foregoing document with the Clerk of Court using the ECF system, which sent notification to the following:

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This, the 31st day of March, 2015.

/s R. Shane McLaughlin